

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86095646
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86095646/large
LITERAL ELEMENT	MISS U.S. LATINA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Organizing and producing beauty pageants and beauty contests; entertainment services, namely, beauty pageants and beauty contests; entertainment services, namely, providing webcast in the field of beauty pageants and beauty contests; Entertainment services, namely, the provision of continuing beauty pageants and beauty contests delivered by television; Providing on-line videos featuring beauty pageants and beauty contests, not downloadable	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/1983
FIRST USE IN COMMERCE DATE	At least as early as 12/31/1983
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Organizing and producing beauty pageants and beauty contests; entertainment services, namely, beauty pageants and beauty contests; entertainment services, namely, providing webcast in the field of beauty pageants and beauty contests; Entertainment services, namely, the provision of continuing beauty pageants and beauty contests delivered by television; Providing on-line videos featuring beauty pageants and beauty contests, not downloadable	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/27/2003
FIRST USE IN COMMERCE DATE	At least as early as 09/27/2003
ADDITIONAL STATEMENTS SECTION	
Applicant hereby withdraws the partial §2(f) claim (along with the distinctiveness limitation statement) currently of record. The examining attorney had initially required a disclaimer of "U.S. LATINA" in the first Office Action dated 2/4/14, which was maintained in the Final Action dated 8/24/15. In order to overcome the disclaimer requirement, the Applicant asserted a partial §2(f) claim in its Request for Reconsideration dated 9/30/15. In the Office Action dated 10/8/15, the examining	

MISCELLANEOUS STATEMENT	attorney requested additional evidence to support the partial §2(f) claim. In its Response to Office Action dated 2/27/16, Applicant disclaimed "U.S. LATINA," which obviated Applicant's need for and reason behind the partial §2(f) claim. In the Final Action dated 3/15/16, the examining attorney acknowledged that the disclaimer requirement has been satisfied, but maintained the refusal of sufficiency of evidence of the partial §2(f) claim. Therefore, in light of Applicant's disclaimer and withdrawal of the partial §2(f) claim pertaining to "U.S. LATINA," the final refusal titled "Five Years Use Insufficient for §2(f)" has been obviated. The final refusal titled "Declaration to Verify Added Classes," which pertained to International Class 35 added by Applicant in its Request for Reconsideration dated 9/30/15, should have been obviated when Applicant deleted said class in its Response to Office Action on 2/27/16, and was therefore maintained in error. Further to the Suspension Notice dated 8/6/14, the earlier-filed referenced application was abandoned. Therefore, suspension is no longer appropriate.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Acirema Alayeto/
SIGNATORY'S NAME	Acirema Alayeto
SIGNATORY'S POSITION	President
SIGNATORY'S PHONE NUMBER	561-347-5955
DATE SIGNED	08/26/2016
RESPONSE SIGNATURE	/Daniel S. Polley/
SIGNATORY'S NAME	Daniel S. Polley
SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	561-347-5955
DATE SIGNED	08/26/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Aug 26 17:21:51 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XXX-2 0160826172151419035-86095 646-5502aed2c33c0a663825f f126cd379d463979c9d3cb23e bae56f69d650b0fd26f4-N/A- N/A-20160826160423808300

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86095646** MISS U.S. LATINA(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86095646/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Organizing and producing beauty pageants and beauty contests; entertainment services, namely, beauty pageants and beauty contests; entertainment services, namely, providing webcast in the field of beauty pageants and beauty contests; Entertainment services, namely, the provision of continuing beauty pageants and beauty contests delivered by television; Providing on-line videos featuring beauty pageants and beauty contests, not downloadable

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/31/1983 and first used in commerce at least as early as 12/31/1983 , and is now in use in such commerce.

Proposed: Class 041 for Organizing and producing beauty pageants and beauty contests; entertainment services, namely, beauty pageants and beauty contests; entertainment services, namely, providing webcast in the field of beauty pageants and beauty contests; Entertainment services, namely, the provision of continuing beauty pageants and beauty contests delivered by television; Providing on-line videos featuring beauty pageants and beauty contests, not downloadable

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/27/2003 and first used in commerce at least as early as 09/27/2003 , and is now in use in such commerce.

ADDITIONAL STATEMENTS

Miscellaneous Statement

Applicant hereby withdraws the partial §2(f) claim (along with the distinctiveness limitation statement) currently of record. The examining attorney had initially required a disclaimer of "U.S. LATINA" in the first Office Action dated 2/4/14, which was maintained in the Final Action dated 8/24/15. In order to overcome the disclaimer requirement, the Applicant asserted a partial §2(f) claim in its Request for Reconsideration dated 9/30/15. In the Office Action dated 10/8/15, the examining attorney requested additional evidence to support the partial §2(f) claim. In its Response to Office Action dated 2/27/16, Applicant disclaimed "U.S. LATINA," which obviated Applicant's need for and reason behind the partial §2(f) claim. In the Final Action dated 3/15/16, the examining attorney acknowledged that the disclaimer requirement has been satisfied, but maintained the refusal of sufficiency of evidence of the partial §2(f) claim. Therefore, in light of Applicant's disclaimer and withdrawal of the partial §2(f) claim pertaining to "U.S. LATINA," the final refusal titled "Five Years Use Insufficient for §2(f)" has been obviated. The final refusal titled "Declaration to Verify Added Classes," which pertained to International Class 35 added by Applicant in its Request for Reconsideration dated 9/30/15, should have been obviated when Applicant deleted said class in its Response to Office Action on 2/27/16, and was therefore maintained in error. Further to the Suspension Notice dated 8/6/14, the earlier-filed referenced application was abandoned. Therefore, suspension is no longer appropriate.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services

specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; ***for a collective trademark, collective service mark, collective membership mark, or certification mark application***, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; ***for a certification mark application***, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Acirema Alayeto/ Date: 08/26/2016

Signatory's Name: Acirema Alayeto

Signatory's Position: President

Signatory's Phone Number: 561-347-5955

Request for Reconsideration Signature

Signature: /Daniel S. Polley/ Date: 08/26/2016

Signatory's Name: Daniel S. Polley

Signatory's Position: Attorney of record, Florida bar member

Signatory's Phone Number: 561-347-5955

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86095646

Internet Transmission Date: Fri Aug 26 17:21:51 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016082617215141

9035-86095646-5502aed2c33c0a663825ff126c

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